

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SOFIA KURTZ,

Plaintiff,

-v-

UBER TECHNOLOGIES, INC.,

Defendant.

21 Civ. 6188 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

In reviewing the parties' submissions on plaintiff's pending motion to remand, the Court has identified the following questions, to which the Court directs the parties each to respond in brief letters due by **5pm on Friday, September 17, 2021**:


1. This matter appears to have been removed to an improper venue—the Southern District of New York—insofar as the underlying state case was brought in a state court within the Eastern District of New York. Dkt. 3, Ex. 1 at 5. *See also Kennedy v. LaCasse*, No. 17 Civ. 2970 (KMK), 2017 WL 3098107, at \*6 (S.D.N.Y. July 20, 2017). Plaintiff, however, has not raised this procedural defect, which does not go to subject matter jurisdiction, but to venue. *See Kennedy*, 2017 WL 3098107, at \*6 (citing cases). For defense counsel, why was the case removed to this District? For plaintiff's counsel, why have you not objected to venue as improper? Does either party request that the Court transfer this case, and responsibility for the pending motion, to the United States District Court for the Eastern District of New York?

2. The lawsuit of *Kurtz v. Colindres*, Index No. 508152/2020, involving claims against the driver in the conduct at issue here, was brought in the Supreme Court of the State of New York, County of Kings, on May 27, 2020. Dkt. 9, Ex. 2 at 2. For both parties, please describe

with specificity all docket activity to date in that case, including any conferences, motions or other pleadings. Please also describe with specificity the status of discovery in that case, including identifying the extent to which document and deposition discovery has occurred.

3. The lawsuit in this case, *Kurtz v. Uber Technologies, Inc.*, Index No. 508967/2021, was brought in the Supreme Court of the State of New York, County of Kings, on April 16, 2021. Dkt. 9, Ex. 3 at 5. When specifically did plaintiff first become aware that Colindres was an Uber driver? For what reason did plaintiff not initiate this lawsuit against Uber earlier? And, before Uber filed its notice of removal in this case on July 20, 2021 (Dkt. 3), what efforts, if any, did plaintiff make to add Uber as a defendant in *Kurtz v. Colindres*, or to consolidate *Kurtz v. Colindres* and *Kurtz v. Uber Technologies, Inc.* in state court?

SO ORDERED.

  
\_\_\_\_\_  
PAUL A. ENGELMAYER  
United States District Judge

Dated: September 14, 2021  
New York, New York